

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
:
v. : 07-CR-00857 (DRH-1)
:
JOSEPH DAVID BURKETT, : Central Islip, New York
:
Defendant. : December 11, 2007
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE WILLIAM D. WALL
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: UNITED STATES ATTORNEY
BY: ALLEN L. BODE, ESQ.
ASSISTANT U.S. ATTORNEY

For the Defendant: RANDI L. CHAVIS, ESQ.

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Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: 07-857, The United States v. Joseph
2 Burkett. Counsel, state your appearances.

3 MR. BODE: Allen Bode for the Government. Good
4 afternoon, Your Honor.

5 THE COURT: Mr. Bode.

6 MS. CHAVIS: Randi Chavis, Federal Defenders of New
7 York on behalf of Mr. Burkett. Good afternoon, Your Honor.

8 THE COURT: Good afternoon, Ms. Chavis.

9 Mr. Burkett, you're here today, sir, because a Grand
10 Jury has returned an indictment, an eight-count indictment
11 charging you in Counts 1 through 7 of sexual exploitation of a
12 child and Count 8 with coercion and enticement. Have you seen
13 the indictment and have you reviewed it with your attorney, Ms.
14 Chavis?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you understand the charges?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And Ms. Chavis, have you reviewed the
19 indictment with Mr. Burkett?

20 MS. CHAVIS: Yes, Your Honor, I have.

21 THE COURT: And do you have any concern about whether
22 or not he understands the charges?

23 MS. CHAVIS: No, I have none.

24 THE COURT: Do you wish me to read the indictment
25 aloud?

1 MS. CHAVIS: No, Your Honor.

2 THE COURT: Is he prepared to plead?

3 MS. CHAVIS: Yes.

4 THE COURT: Okay. Mr. Burkett, what is your plea to
5 Counts 1 through 7, sexual exploitation of a child?

6 THE DEFENDANT: Not guilty.

7 THE COURT: And what is your plea to Count 8,
8 coercion and enticement?

9 THE DEFENDANT: Not guilty.

10 THE COURT: What's the Government's position on
11 detention, Mr. Bode?

12 MR. BODE: Your Honor, given Mr. Burkett's priors,
13 it's the Government's position he's subject to mandatory life
14 sentence here and I would also say he is a clear danger to the
15 community. He's got a long history of abusing children. Prior
16 to his felony conviction he had two misdemeanor convictions
17 which also related to abusing children. There are at least two
18 children charged in the current indictment with whom he
19 sexually abused and others which the Government is aware as
20 well. Given the substantial penalties here and his history I
21 would ask that he be held without bail.

22 THE COURT: Ms. Chavis?

23 MS. CHAVIS: Your Honor, Mr. Burkett is currently
24 being held on charges in Suffolk County so we don't have an
25 application at this time.

1 THE COURT: Very well. Then a permanent order of
2 detention is entered. Has Judge Hurley set a date for further
3 conference?

4 MR. BODE: Yes, Your Honor, January 25th at 2 p.m.

5 THE COURT: Okay.

6 MR. BODE: And meanwhile, Ms. Chavis has indicated
7 she'll get me a discovery letter and also will engage in plea
8 negotiations.

9 MS. CHAVIS: That's correct, Your Honor. I have
10 discussed the Speedy Trial Act with Mr. Burkett and his rights
11 under that act and he is willing to waive the time from now
12 till January 25th.

13 THE COURT: Very well. Do you understand, Mr.
14 Burkett, the waiver of speedy trial?

15 THE DEFENDANT: Yes.

16 THE COURT: And you agree to that?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Do you have a waiver form, folks?

19 MR. BODE: No.

20 [Pause in proceedings.]

21 THE COURT: The Court finds that the exclusion of
22 time to January 25th serves the ends of justice and outweighs
23 the interest of the public and the defendant in a speedy trial
24 for reasons discussed on the record by counsel. Therefore, I'm
25 ordering excludable delay through that date which is January

1 25th, and I've also entered a permanent order of detention.

2 Anything further for the Government?

3 MR. BODE: No, Your Honor. Thank you.

4 THE COURT: Ms. Chavis?

5 MS. CHAVIS: No, Your Honor.

6 THE COURT: Thank you, folks.

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1 I certify that the foregoing is a court transcript from an
2 electronic sound recording of the proceedings in the above-
3 entitled matter.



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6 Mary Greco

7 Dated: August 23, 2011
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